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STATE OF NEW JERSEY)
) ss.
COUNTY OF ESSEX)

I, DICKINSON R. DEBEVOISE, of full age, being duly sworn upon my oath, depose and say that:

1. I reside at 72 Hillside Avenue, Short Hills, New Jersey.
2. I am a member of the Bar of the State of New Jersey and am engaged in the private practice of law in Newark. I am past treasurer and presently a trustee of the Essex County Bar Association. I am a member of the Governor's Committee on Law and Poverty.
3. In 1965 I was one of the organizers of The Newark Legal Services Project (NLSP) and have been President of its Board of Trustees since that date. NLSP provides legal aid to the poor in the City of Newark and is supported by government and private funds. A copy of its Annual Report for the year 1967-1968 is attached hereto as EXHIBIT A.
4. I was present in NLSP's Administrative Office a substantial part of the time during the emergency period in the summer of 1967, except from Sunday night, July 16th, until Monday night, July 17th, when I was in Washington. The job of NLSP during the disturbances was characterized by the Committee on Law and Poverty of the New Jersey State Bar Association as being "faithfully and creditably discharged in the best traditions of the legal profession."

In my opinion every person in Newark owes a debt of gratitude to the staff of NLSP and to the scores of volunteer attorneys and students who actually did the job, expending great time and effort at some personal risk to themselves.

5. On May 28, 1968, Mr. Andrew F. Zazzali, Jr., an Assistant Prosecutor of Essex County, testified concerning me and NLSP before the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations, and he submitted a written statement. I have not been provided with a copy of the statement, but I have obtained a transcript of Mr. Zazzali's testimony. Inasmuch as the Subcommittee's hearings are closed, I cannot appear before it, and this affidavit is submitted in order to deny certain untrue or misleading statements made by Mr. Zazzali.

6. When the disorders broke out in Newark in July of 1967, all of NLSP's personnel and resources were placed at the disposal of the Public Defender and the Courts. Its staff attorneys, the law students working for it that summer, its volunteer attorneys and its volunteer law students worked night and day and through the weekends, representing defendants at arraignments in the Magistrate's Court, interviewing prisoners in the places of detention so that the Courts could determine their disposition, and handling the hundreds of emergency matters which were brought into the NLSP offices by residents of the afflicted areas.

7. One of the problems which arose during the disorders and immediately afterward was the receipt of hundreds of complaints concerning misconduct by law enforcement personnel, for the most part against citizens innocent of any crime. We informed those persons bringing such complaints that if they would give us the information in their possession, we would seek whatever legal remedies were available to them. It should be noted that NLSP was one of several groups receiving such statements. The American Civil Liberties Union took formal, notarized statements. Other groups were receiving information of the same nature. There was considerable overlap, as many citizens gave their statements to more than one group, and sometimes statements were taken by representatives of several groups at the same time. NLSP's disposition of the statements received by it is described below.

8. The testimony of Mr. Zazzali makes certain assertions, either directly or by implication, namely: (1) NLSP refused to furnish the Essex County Prosecutor with copies of the statements after being asked for them; (2) A photograph of the body of James Rutledge which was used in an inflammatory leaflet distributed in Newark was taken by a representative of NLSP; and (3) NLSP furnished Thomas Hayden, the author of Rebellion in Newark, with copies of its statements. These conclusions of Mr. Zazzali are erroneous.

9. At page 3426 of the Transcript of the Subcommittee hearings, Mr. Zazzali is quoted as saying, "Prosecutor Byrne had asked from Newark Legal Services Project, sometime prior to his testifying [before the Governor's Commission] for the names of witnesses and statements. They had refused at that time. Then after his testifying, Prosecutor Byrne's testifying before the Governor's Commission, apparently they wrote him a letter and indicated that they would turn over their statements provided....."

10. On the basis of my own recollection, the records of NLSP and Mr. Byrne's testimony before the Governor's Commission it can be said that the truth of the matter is that the Prosecutor did not ask for the statements until after he testified before the Governor's Commission, and when he asked for them, NLSP forwarded copies as soon as they could be xeroxed. When he was testifying before the Governor's Commission on November 27, 1967, Mr. Byrne was asked specifically if his office had communicated with me asking for the statements and if he had been refused. He replied, "I don't know. I would have to verify that by telephone conversations one way or another." (p. 72 of his testimony); so obviously he himself had never asked for the statements and been refused as stated by Mr. Zazzali. The facts of the matter, as reconstructed from NLSP's records, are as follows:

a. Between July 18, 1967 and August 8, 1967,
copies of all statements on police conduct received by NLSP up to that time were forwarded to me, and I analyzed and summarized them.

b. On August 8, 1967, I gave a report based on the summary and analysis to a special meeting of NLSP's Board of Trustees, which authorized the furnishing of the statements at that time to the Attorney General of the United States, the Governor's Select Commission on Civil Disorders, and the President's Advisory Commission.

c. On August 21, 1967, a copy of the summary and analysis was forwarded to:

- (1) Hon. Arthur J. Sills, Attorney General of New Jersey;
- (2) Hon. David M. Satz, Jr., United States Attorney for New Jersey;
- (3) Hon. Albert Black, Chairman, Newark Human Rights Commission.

d. On August 24, 1967, I sent a copy of the summary and analysis to Prosecutor Byrne with a covering letter which read:

"Dear Brendan:

Enclosed is a summary of the statements received by the Newark Legal Services Project to date concerning certain law enforcement activities during the riot. Where people complained of criminal behavior and can identify the persons involved, we are trying to persuade them

to bring the information either to you or the F.B.I."

e. On October 3, 1967, I testified before the Governor's Commission and gave it an updated report, summary and analysis.

f. On October 24, 1967, copies of all affidavits, signed and unsigned, were sent to the Governor's Select Commission.

g. On or before November 10, 1967, copies of all affidavits, signed and unsigned, were sent to the President's Advisory Commission.

h. On November 21, 1967, copies of all affidavits relating to the destruction of Negro business property were sent to Attorney General Sills.

i. On November 29, 1967, I wrote to United States Attorney David M. Satz, Jr., Attorney General Arthur J. Sills and Prosecutor Brendan T. Byrne and undertook to forward to them copies of affidavits not previously furnished if NLSP could be assured that the affidavits would be used only by their offices.

j. On December 1, 1967, NLSP received its first request from the Essex County Prosecutor's Office for riot death affidavits. In response thereto, all affidavits, signed and unsigned, (with the exception of affidavits of three juveniles which are more particularly discussed below)

on every subject were sent to the Prosecutor's Office on or before December 12, 1967, which was as soon as they could be xeroxed, by NLSP.

k. On December 11, 1967, copies of the statements were forwarded to Attorney General Sills and Mr. Satz.

11. At page 3433 of the transcript of Mr. Zazzali's testimony where he discussed the photograph of the body of James Rutledge which was reproduced in the leaflet circulated in the Central Ward of Newark, he stated, ".....the photo was taken by a representative of Newark Legal Services Project, and also by an individual who was requested to do it by an employee of VISTA." On the basis of the affidavits hereinafter referred to and on the basis of NLSP's records, it can be said that that statement also is erroneous, the facts as disclosed by the affidavits and the records being as follows:

a. There was not one "photo" taken of the body of James Rutledge, as implied by Mr. Zazzali. Two sets of photographs were taken. One set was taken by a representative of NLSP (George C. Brown, its Chief Investigator).

The photographs taken by him did not include the photograph used in the leaflet circulated in the Central Ward. Mr. Brown's photographs were placed and kept in the NLSP safe.

b. The other set of photographs was taken by a professional photographer who is not in any way and never

was in any way associated with NLSP. He was requested to photograph the body by Mr. Junius Williams, a Yale Law School Student who was then director of the VISTA law student group assigned to work with NLSP during the summer. The photographer took five angles of the Rutledge body at the funeral home for the purpose of showing the number and location of the bullet wounds. On the following day, he developed several sets of prints, one of which he delivered to the Administrative Office of NLSP, where it has been kept in the safe. The photographer retained the negatives and the additional prints. He stated that he later gave prints to several different persons, none of whom were associated with NLSP. From among those photographs came the one used in the leaflet.

c. Copies of affidavits by Mr. George C. Brown, Mr. Junius Williams and the photographer accompany my affidavit as EXHIBIT B.

12. At several points in his testimony, Mr. Zazzali either stated directly or implied that he had concluded that NLSP had furnished access to the statements received by it to Mr. Thomas Hayden (see page 3425 and page 3437 of the testimony). His conclusion is erroneous.

13. In July of 1967, Mr. Hayden requested permission of both NLSP's Administrator, Mr. Oliver Lofton, and its Assistant Administrator, Mrs. Annamay T. Sheppard, to read

the statements. Permission was denied, and when the request and the denial were reported to me, I confirmed the position which they took. Mr. Lofton's and Mrs. Sheppard's affidavits in this regard accompany my affidavit as EXHIBIT C.

14. The statements and affidavits collected by NLSP, together with the photographs and physical evidence, were kept in NLSP's safe which has a lock, the combination of which was known only to full-time administrative office personnel. It has always been the policy of NLSP that the statements be made available only to persons or agencies having some position which gave them a reason to have the information, such as those noted in paragraph 10 above.

15. As mentioned above, NLSP was not the only agency which was taking statements. Since various of the statements may have been given by a witness both to NLSP and also to other agencies either at separate times or at the same time, there is undoubtedly a duplication of statements in many instances. There is nothing in Mr. Zazzali's testimony to suggest that he ever checked with any of the other agencies to determine if Mr. Hayden had access to the statements in their files. This is an incredible omission on his part, particularly when NLSP has stated that Mr. Hayden did not have access to NLSP's files. It is an omission that makes Mr. Zazzali's "conclusion" totally worthless.

16. There was submitted as Exhibit No. 165 at the Subcommittee hearing a copy of the presentment of the Eighth Grand Jury (Essex County, N.J.) 1967 Term. Mr. Zazzali was the Assistant Prosecutor who presented the evidence to that body.

17. Insofar as the presentment refers to NLSP, it creates a totally misleading impression concerning the operations of NLSP during and immediately after the disorders. Many of the particular statements concerning NLSP are grossly inaccurate or in error.

18. The charges against NLSP result from secret proceedings; no one knows upon what evidence the findings are based; there is no opportunity to defend. The Chief Justice of New Jersey, referring to presentments such as this one, which purport to recite facts based upon testimony before a grand jury, stated, "I can think of no fact-finding procedure more hostile to the basic tenets of the judicial process than the procedure of a grand jury. It meets in secret; it conducts its hearings unilaterally; there is no opportunity in the individual affected to cross-examine witnesses against him or to produce evidence in his favor."

In re Presentment by Camden Co. Grand Jury, 34 N.J. 403 (1961) at p. 403.

19. Referring to this particular presentment, the then President of the New Jersey State Bar Association (and

former member of the Governor's Commission) saw it as an attempt "to shift the burden of responsibility for effective law enforcement from the office where it resides by law, to an office which in the necessity of the situation was called upon to perform a trying and unusual community peace-keeping function....." (Statement of John J. Gibbons as quoted in the Newark Star Ledger April 25, 1968).

20. NLSP has prepared a Reply to the presentment which analyzes the deficiencies of grand jury presentments in general and this one in particular and which answers each of the grand jury's observations concerning NLSP. A copy of that Reply accompanies my affidavit as EXHIBIT D.

21. I request that my affidavit be included in the printed record of the hearings and that the exhibits which accompany my affidavit be included as official exhibits submitted at the hearing. If the grand jury presentment is printed or referred to in the printed record, I request that NLSP's reply to it also be printed or reference be made to the appropriate part of it.

Subscribed and sworn to
before me this 5th day
of June, 1968.


DICKINSON R. DEBEVOISE

MILDRED R. EICHNER
A Notary Public of New Jersey
My Commission Expires Jan. 24, 1971